

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EDWARD JACKSON JIMENEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-1199-M
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER

On August 21, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of Social Security Administration. The Magistrate Judge recommended that the Commissioner's decision be affirmed. Plaintiff was advised of his right to object to the Report and Recommendation by September 10, 2009. On that date, plaintiff filed his objections.

In his objections, plaintiff asserts the Commissioner did not apply the correct legal standards and that the substantial evidence in the record does not support the Commissioner, and hence, the Administrative Law Judge's ("ALJ") determinations. Specifically, plaintiff alleges that the ALJ did not properly call for a medical expert's testimony, and that the ALJ incorrectly evaluated plaintiff's back impairment.

Having carefully reviewed the ALJ's decision, plaintiff's opening brief, the record in this case, and plaintiff's objection, the Court finds upon de novo review that the Commissioner properly applied the five-step sequential evaluation process, and the ALJ properly reviewed the Commissioner's decision in this respect. Furthermore, the Court finds that the correct legal

standards were applied. Therefore, the Court finds the ALJ conducted a meaningful and well-supported analysis of the medical evidence and did not fail in showing that his findings were based on substantive evidence.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 21, 2009, and
- (2) AFFIRMS the decision of the Commissioner.

IT IS SO ORDERED this 24th day of September, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE